

SECOND REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
SENATE COMMITTEE SUBSTITUTE FOR

# SENATE BILL NO. 870

93RD GENERAL ASSEMBLY

2006

4158S.02T

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## AN ACT

To repeal sections 37.200, 37.205, 37.210, 37.215, 37.220, 37.225, 37.230, 57.290, 143.183, 211.393, 221.105, 550.190, 550.200, 550.210, 550.220, 550.230, and 550.260, RSMo, and to enact in lieu thereof seventeen new sections relating to the transfer of existing appropriation payments in the office of administration, with a penalty provision and an emergency clause.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 37.200, 37.205, 37.210, 37.215, 37.220, 37.225, 37.230, 57.290, 143.183, 211.393, 221.105, 550.190, 550.200, 550.210, 550.220, 550.230, and 550.260, RSMo, are repealed and seventeen new sections enacted in lieu thereof, to be known as sections 57.290, 143.183, 185.200, 185.205, 185.210, 185.215, 185.220, 185.225, 185.230, 211.393, 221.105, 550.190, 550.200, 550.210, 550.220, 550.230, and 550.260, to read as follows:

57.290. 1. In cities and counties having a population of three hundred thousand inhabitants and over, each deputy sheriff, not more than two, shall be allowed for each day during the term of court six dollars, to be paid by the city or county of three hundred thousand inhabitants or over.

2. For the services of taking convicted offenders to the reception and diagnostic center designated by the director of the department of corrections, the sheriff, county marshal or other officers shall receive the sum of eight dollars per day for the time actually and necessarily employed in traveling to and from the reception and diagnostic center, and each guard shall receive the sum of six dollars per day for the same, and the sheriff, county marshal or other officer and guard shall receive the mileage rate prescribed by this section for the distance

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

12 necessarily traveled in going to and returning from the reception and diagnostic  
13 center, the time and distance to be estimated by the most usually traveled route  
14 from the place of departure to the reception and diagnostic center; the mileage  
15 rate prescribed by this section for each mile traveled shall be allowed to the  
16 sheriff to cover all expenses on each convicted offender while being taken to the  
17 reception and diagnostic center; and all persons convicted and sentenced to  
18 imprisonment in the department of corrections at any term or sitting of the court,  
19 shall be taken to the reception and diagnostic center at the same time, unless  
20 prevented by sickness or unavoidable accident. In cities having a population of  
21 two hundred thousand inhabitants or more, convicted offenders shall be taken to  
22 the reception and diagnostic center as often as the sheriff deems  
23 necessary. When three or more convicted offenders are being taken to the  
24 reception and diagnostic center at one time, a guard may be employed, but no  
25 guard shall be employed for a less number of convicted offenders except upon the  
26 order, entered of record, of the judge of the court in which the conviction was had,  
27 and any additional guards employed by order of the judge shall, in no event,  
28 exceed one for every three convicted offenders; and before any claim for taking  
29 convicted offenders to the reception and diagnostic center is allowed, the sheriff,  
30 or other officer conveying such convicted offender, shall file with the state  
31 [commissioner of administration] **director of the department of corrections**  
32 an itemized statement of such sheriff's account, in which the sheriff shall give the  
33 name of each convicted offender conveyed and the name of each guard actually  
34 employed, with the number of miles necessarily traveled and the number of days  
35 required, which in no case shall exceed three days, and which account shall be  
36 signed and sworn to by such officer and accompanied by a certificate from the  
37 chief administrative officer or such officer's designee of the reception and  
38 diagnostic center, that such convicted offenders have been delivered at the  
39 reception and diagnostic center and were accompanied by each of the officers and  
40 guards named in the account.

41 3. The sheriff or other officer who shall take a person, charged with a  
42 criminal offense, from the county in which the offender is apprehended to that in  
43 which the offense was committed, or who may remove a prisoner from one county  
44 to another for any cause authorized by law, or who shall have in custody or under  
45 such sheriff's or officer's charge any person undergoing an examination  
46 preparatory to such person's commitment more than one day for transporting,  
47 safekeeping and maintaining any such person, shall be allowed by the court

48 having cognizance of the offense, three dollars and fifty cents per day for every  
49 day such sheriff or officer may have such person under such sheriff's or officer's  
50 charge, when the number of days shall exceed one, and the mileage rate  
51 prescribed by this section for every mile necessarily traveled in going to and  
52 returning from one county to another, and the guard employed, who shall in no  
53 event exceed the number allowed the sheriff, marshal or other officer in  
54 transporting convicted offenders to the reception and diagnostic center, shall be  
55 allowed the same compensation as the officer. Three dollars and fifty cents per  
56 day, mileage same as officer, shall be allowed for board and all other expenses of  
57 each prisoner. No compensation shall be allowed under this section for taking the  
58 prisoner or prisoners from one place to another in the same county, excepting in  
59 counties which have two or more courts with general criminal jurisdiction. In  
60 such counties the sheriff shall have the same fees for conveying prisoners from  
61 the jail to place of trial as are allowed for conveying prisoners in like cases from  
62 one county to another, and the expenses incurred in transporting prisoners from  
63 one county to another, occasioned by the insufficiency of the county jail or  
64 threatened mob violence, shall be paid by the county in which such case may have  
65 originated; provided that the court is held at a place more than five miles from  
66 the jail; and no court shall allow the expense of a guard, although it may have  
67 actually been incurred, unless from the evidence of disinterested persons it shall  
68 be satisfied that a guard was necessary; provided, that when the place of  
69 conviction is remote from a railroad, upon which a convicted offender may be  
70 transported to the reception and diagnostic center, the court before which such  
71 convicted offender is sentenced may, for good cause shown, allow one guard for  
72 every two convicted offenders, such guard to receive three dollars a day and the  
73 mileage rate prescribed by this section for every mile necessarily traveled in going  
74 to and returning from the nearest depot on said railroad to the place where such  
75 convicted offender was sentenced.

76 4. Mileage shall be reimbursed to sheriffs, county marshals and guards  
77 for all services rendered pursuant to this section at the rate prescribed by the  
78 Internal Revenue Service for allowable expenses for motor vehicle use expressed  
79 as an amount per mile.

143.183. 1. As used in this section, the following terms mean:

2 (1) "Nonresident entertainer", a person residing or registered as a  
3 corporation outside this state who, for compensation, performs any vocal,  
4 instrumental, musical, comedy, dramatic, dance or other performance in this state

5 before a live audience and any other person traveling with and performing  
6 services on behalf of a nonresident entertainer, including a nonresident  
7 entertainer who is paid compensation for providing entertainment as an  
8 independent contractor, a partnership that is paid compensation for  
9 entertainment provided by nonresident entertainers, a corporation that is paid  
10 compensation for entertainment provided by nonresident entertainers, or any  
11 other entity that is paid compensation for entertainment provided by nonresident  
12 entertainers;

13 (2) "Nonresident member of a professional athletic team", a professional  
14 athletic team member who resides outside this state, including any active player,  
15 any player on the disabled list if such player is in uniform on the day of the game  
16 at the site of the game, and any other person traveling with and performing  
17 services on behalf of a professional athletic team;

18 (3) "Personal service income" includes exhibition and regular season  
19 salaries and wages, guaranteed payments, strike benefits, deferred payments,  
20 severance pay, bonuses, and any other type of compensation paid to the  
21 nonresident entertainer or nonresident member of a professional athletic team,  
22 but does not include prizes, bonuses or incentive money received from competition  
23 in a livestock, equine or rodeo performance, exhibition or show;

24 (4) "Professional athletic team" includes, but is not limited to, any  
25 professional baseball, basketball, football, soccer and hockey team.

26 2. Any person, venue, or entity who pays compensation to a nonresident  
27 entertainer shall deduct and withhold from such compensation as a prepayment  
28 of tax an amount equal to two percent of the total compensation if the amount of  
29 compensation is in excess of three hundred dollars paid to the nonresident  
30 entertainer.

31 3. Any person, venue, or entity required to deduct and withhold tax  
32 pursuant to subsection 2 of this section shall, for each calendar quarter, on or  
33 before the last day of the month following the close of such calendar quarter,  
34 remit the taxes withheld in such form or return as prescribed by the director of  
35 revenue and pay over to the director of revenue or to a depository designated by  
36 the director of revenue the taxes so required to be deducted and withheld.

37 4. Any person, venue, or entity subject to this section shall be considered  
38 an employer for purposes of section 143.191, and shall be subject to all penalties,  
39 interest, and additions to tax provided in this chapter for failure to comply with  
40 this section.

41           5. Notwithstanding other provisions of this chapter to the contrary, the  
42 commissioner of administration, for all taxable years beginning on or after  
43 January 1, 1999, but none after December 31, 2015, shall annually estimate the  
44 amount of state income tax revenues collected pursuant to this chapter which are  
45 received from nonresident members of professional athletic teams and  
46 nonresident entertainers. For fiscal year 2000, and for each subsequent fiscal  
47 year for a period of sixteen years, sixty percent of the annual estimate of taxes  
48 generated from the nonresident entertainer and professional athletic team income  
49 tax shall be allocated annually to the Missouri arts council trust fund, and shall  
50 be transferred from the general revenue fund to the Missouri arts council trust  
51 fund established in section 185.100, RSMo, and any amount transferred shall be  
52 in addition to such agency's budget base for each fiscal year. Notwithstanding  
53 other provisions of this section, the Missouri arts council shall not be  
54 appropriated more than ten million dollars in any fiscal year. The director shall  
55 by rule establish the method of determining the portion of personal service  
56 income of such persons that is allocable to Missouri.

57           6. Notwithstanding the provisions of sections 186.050 to 186.067, RSMo,  
58 to the contrary, the commissioner of administration, for all taxable years  
59 beginning on or after January 1, 1999, but for none after December 31, 2015,  
60 shall estimate annually the amount of state income tax revenues collected  
61 pursuant to this chapter which are received from nonresident members of  
62 professional athletic teams and nonresident entertainers. For fiscal year 2000,  
63 and for each subsequent fiscal year for a period of sixteen years, ten percent of  
64 the annual estimate of taxes generated from the nonresident entertainer and  
65 professional athletic team income tax shall be allocated annually to the Missouri  
66 humanities council trust fund, and shall be transferred from the general revenue  
67 fund to the Missouri humanities council trust fund established in section 186.055,  
68 RSMo, and any amount transferred shall be in addition to such agency's budget  
69 base for each fiscal year.

70           7. Notwithstanding other provisions of section 182.812, RSMo, to the  
71 contrary, the commissioner of administration, for all taxable years beginning on  
72 or after January 1, 1999, but for none after December 31, 2015, shall estimate  
73 annually the amount of state income tax revenues collected pursuant to this  
74 chapter which are received from nonresident members of professional athletic  
75 teams and nonresident entertainers. For fiscal year 2000, and for each  
76 subsequent fiscal year for a period of sixteen years, ten percent of the annual

77 estimate of taxes generated from the nonresident entertainer and professional  
78 athletic team income tax shall be allocated annually to the Missouri state library  
79 networking fund, and shall be transferred from the general revenue fund to the  
80 secretary of state for distribution to public libraries for acquisition of library  
81 materials as established in section 182.812, RSMo, and any amount transferred  
82 shall be in addition to such agency's budget base for each fiscal year.

83           8. Notwithstanding other provisions of section [37.200] **185.200**, RSMo,  
84 to the contrary, the commissioner of administration, for all taxable years  
85 beginning on or after January 1, 1999, but for none after December 31, 2015,  
86 shall estimate annually the amount of state income tax revenues collected  
87 pursuant to this chapter which are received from nonresident members of  
88 professional athletic teams and nonresident entertainers. For fiscal year 2000,  
89 and for each subsequent fiscal year for a period of sixteen years, ten percent of  
90 the annual estimate of taxes generated from the nonresident entertainer and  
91 professional athletic team income tax shall be allocated annually to the Missouri  
92 public television broadcasting corporation special fund, and shall be transferred  
93 from the general revenue fund to the Missouri public television broadcasting  
94 corporation special fund established in section [37.200] **185.200**, RSMo, and any  
95 amount transferred shall be in addition to such agency's budget base for each  
96 fiscal year; provided, however, that twenty-five percent of such allocation shall  
97 be used for grants to public radio stations which were qualified by the corporation  
98 for public broadcasting as of November 1, 1996. Such grants shall be distributed  
99 to each of such public radio stations in this state after receipt of the station's  
100 certification of operating and programming expenses for the prior fiscal  
101 year. Certification shall consist of the most recent fiscal year financial statement  
102 submitted by a station to the corporation for public broadcasting. The grants  
103 shall be divided into two categories, an annual basic service grant and an  
104 operating grant. The basic service grant shall be equal to thirty-five percent of  
105 the total amount and shall be divided equally among the public radio stations  
106 receiving grants. The remaining amount shall be distributed as an operating  
107 grant to the stations on the basis of the proportion that the total operating  
108 expenses of the individual station in the prior fiscal year bears to the aggregate  
109 total of operating expenses for the same fiscal year for all Missouri public radio  
110 stations which are receiving grants.

111           9. Notwithstanding other provisions of section 253.402, RSMo, to the  
112 contrary, the commissioner of administration, for all taxable years beginning on

113 or after January 1, 1999, but for none after December 31, 2015, shall estimate  
114 annually the amount of state income tax revenues collected pursuant to this  
115 chapter which are received from nonresident members of professional athletic  
116 teams and nonresident entertainers. For fiscal year 2000, and for each  
117 subsequent fiscal year for a period of sixteen years, ten percent of the annual  
118 estimate of taxes generated from the nonresident entertainer and professional  
119 athletic team income tax shall be allocated annually to the Missouri department  
120 of natural resources Missouri historic preservation revolving fund, and shall be  
121 transferred from the general revenue fund to the Missouri department of natural  
122 resources Missouri historic preservation revolving fund established in section  
123 253.402, RSMo, and any amount transferred shall be in addition to such agency's  
124 budget base for each fiscal year. As authorized pursuant to subsection 2 of  
125 section 30.953, RSMo, it is the intention and desire of the general assembly that  
126 the state treasurer convey, to the Missouri investment trust on January 1, 1999,  
127 up to one hundred percent of the balances of the Missouri arts council trust fund  
128 established pursuant to section 185.100, RSMo, and the Missouri humanities  
129 council trust fund established pursuant to section 186.055, RSMo. The funds  
130 shall be reconveyed to the state treasurer by the investment trust as follows: the  
131 Missouri arts council trust fund, no earlier than January 2, 2009; and the  
132 Missouri humanities council trust fund, no earlier than January 2, 2009.

**185.200. The general assembly, giving due consideration to the  
2 historical and continuing interest of the people of the state of Missouri  
3 in encouraging the educational and cultural enrichment of its  
4 residents, finds that public television stations, especially with local  
5 programming, contribute significantly to such enrichment, are a  
6 valuable state resource, and consequently that support of public  
7 television is an important public purpose.**

**185.205. As used in sections 185.200 to 185.230, the term "public  
2 television station" means a television broadcasting station operating as  
3 of January 1, 1980, under authority of section 73.621 of the Federal  
4 Communications Commission rules and regulations as a noncommercial  
5 educational or public television station, owned and operated by a  
6 political subdivision of this state, an educational institution of this  
7 state, or by a not-for-profit corporation, accepting or broadcasting no  
8 commercial messages, and receiving all or part of its operating  
9 revenues from public funds, federal funds, donations or grants, or**

10 **public subscriptions.**

185.210. The general assembly may appropriate funds to the state  
2 council on the arts for use as grants to public television stations. Such  
3 grants shall be distributed to each of the public television stations in  
4 this state after receipt of the station's certification of operating and  
5 programming expenses for the prior fiscal year. Certification shall  
6 consist of the most recent fiscal year financial statement submitted by  
7 a station to the corporation for public broadcasting. At least twenty  
8 percent of the state funds received under sections 185.200 to 185.230 by  
9 any public television station shall be used for instructional television  
10 services to be provided through local agreements. A substantial  
11 portion of the state funds received under this or any other act by any  
12 public television station shall be used for local programming related to  
13 the needs and problems of the community served by the broadcast  
14 licensee. The grants shall be divided into two categories, an annual  
15 basic service grant and an operating grant. The basic service grant  
16 shall be equal to thirty-five percent of the total amount appropriated  
17 and shall be divided equally among the public television stations  
18 receiving grants. The remaining amount of the appropriation shall be  
19 distributed as an operating grant to the stations on the basis of the  
20 proportion that the total operating expenses of the individual station  
21 in the prior fiscal year bears to the aggregate total of operating  
22 expenses for the same fiscal year for all Missouri public television  
23 stations receiving state grants. State funds received by a public  
24 television station under sections 185.200 to 185.230 and not expended  
25 shall be returned to the state of Missouri.

185.215. The amount of any state funding provided by sections  
2 185.200 to 185.230 shall not exceed thirty percent of the operating  
3 expenditures for the previous year of the public television station  
4 receiving said grant.

185.220. Eligible public television stations desiring to receive  
2 grants under the provisions of sections 185.200 to 185.230 shall make an  
3 annual application to the state council on the arts and submit a  
4 certification of its actual operating and programming expenses for the  
5 previous fiscal year.

185.225. Each public television station receiving grants under the  
2 provisions of sections 185.200 to 185.230 shall furnish the state council

3 on the arts and the oversight division of the committee on legislative  
4 research within sixty days after the end of each fiscal year with an  
5 annual report and accounting of the funds received and expended by  
6 such stations during the just ended fiscal year and may furnish  
7 recommendations and suggestions for improvement in programs and  
8 services under the provisions of sections 185.200 to 185.230.

185.230. The amount appropriated as grants under the provisions  
2 of sections 185.200 to 185.230 shall not be more than the sum of fifty  
3 cents multiplied by the total number of residents of the state as  
4 determined by the most recent federal decennial census.

211.393. 1. For purposes of this section, the following words and phrases  
2 mean:

3 (1) "County retirement plan", any public employees' defined benefit  
4 retirement plan established by law that provides retirement benefits to county or  
5 city employees, but not to include the county employees' retirement system as  
6 provided in sections 50.1000 to 50.1200, RSMo;

7 (2) "Juvenile court employee", any person who is employed by a juvenile  
8 court in a position normally requiring one thousand hours or more of service per  
9 year but not including any service in such a position that was financed in whole  
10 or in part by a public or private grant on or after July 1, 1999;

11 (3) "Juvenile officer", any juvenile officer appointed pursuant to section  
12 211.351;

13 (4) "Multicounty circuit", all other judicial circuits not included in the  
14 definition of a single county circuit;

15 (5) "Single county circuit", a judicial circuit composed of a single county  
16 of the first classification, including the circuit for the city of St. Louis;

17 (6) "State retirement plan", the public employees' retirement plan  
18 administered by the Missouri state employees' retirement system pursuant to  
19 chapter 104, RSMo.

20 2. Juvenile court employees employed in a single county circuit shall be  
21 subject to the following provisions:

22 (1) The juvenile officer employed in such circuits on and prior to July 1,  
23 1999, shall:

24 (a) Be state employees on that portion of their salary received from the  
25 state pursuant to section 211.381, and in addition be county employees on that  
26 portion of their salary provided by the county at a rate determined pursuant to

27 section 50.640, RSMo;

28 (b) Receive state-provided benefits, including retirement benefits from the  
29 state retirement plan, on that portion of their salary paid by the state and may  
30 participate as members in a county retirement plan on that portion of their salary  
31 provided by the county except any juvenile officer whose service as a juvenile  
32 court officer is being credited based on all salary received from any source in a  
33 county retirement plan on June 30, 1999, shall not be eligible to receive  
34 state-provided benefits, including retirement benefits, or any creditable prior  
35 service as described in this section but shall continue to participate in such  
36 county retirement plan;

37 (c) Receive creditable prior service in the state retirement plan for service  
38 rendered as a juvenile court employee, to the extent they have not already  
39 received credit for such service in a county retirement plan on salary paid to them  
40 for such service, if such service was rendered in a judicial circuit that was not a  
41 single county of the first classification;

42 (d) Receive creditable prior service pursuant to paragraph (c) of this  
43 subdivision even though they already have received credit for such creditable  
44 service in a county retirement plan if they elect to forfeit their creditable service  
45 from such plan in which case such plan shall transfer to the state retirement plan  
46 an amount equal to the actuarial accrued liability for the forfeited creditable  
47 service, determined as if the person were going to continue to be an active  
48 member of the county retirement plan, less the amount of any refunds of member  
49 contributions;

50 (e) Receive creditable prior service for service rendered as a juvenile court  
51 employee in a position that was financed in whole or in part by a public or private  
52 grant prior to July 1, 1999, pursuant to the provisions of paragraph (e) of  
53 subdivision (1) of subsection 3 of this section;

54 (2) Juvenile officers who begin employment for the first time as a juvenile  
55 officer in a single county circuit on or after July 1, 1999, shall:

56 (a) Be county employees and receive salary from the county at a rate  
57 determined pursuant to section 50.640, RSMo, subject to reimbursement by the  
58 state as provided in section 211.381; and

59 (b) Participate as members in the applicable county retirement plan  
60 subject to reimbursement by the state for the retirement contribution due on that  
61 portion of salary reimbursed by the state;

62 (3) All other juvenile court employees who are employed in a single county

63 circuit on or after July 1, 1999:

64 (a) Shall be county employees and receive a salary from the county at a  
65 rate determined pursuant to section 50.640, RSMo; and

66 (b) Shall, in accordance with their status as county employees, receive  
67 other county-provided benefits including retirement benefits from the applicable  
68 county retirement plan if such employees otherwise meet the eligibility  
69 requirements for such benefits;

70 (4) (a) The state shall reimburse each county comprised of a single county  
71 circuit for an amount equal to the greater of:

72 a. Twenty-five percent of such circuit's total juvenile court personnel  
73 budget, excluding the salary for a juvenile officer, for calendar year 1997, and  
74 excluding all costs of retirement, health and other fringe benefits; or

75 b. The sum of the salaries of one chief deputy juvenile officer and one  
76 deputy juvenile officer class I, as provided in section 211.381;

77 (b) The state may reimburse a single county circuit up to fifty percent of  
78 such circuit's total calendar year 1997 juvenile court personnel budget, subject to  
79 appropriations. The state may reimburse, subject to appropriations, the following  
80 percentages of such circuits' total juvenile court personnel budget, expended for  
81 calendar year 1997, excluding the salary for a juvenile officer, and excluding all  
82 costs of retirement, health and other fringe benefits: thirty percent beginning  
83 July 1, 2000, until June 30, 2001; forty percent beginning July 1, 2001, until June  
84 30, 2002; fifty percent beginning July 1, 2002; however, no county shall receive  
85 any reimbursement from the state in an amount less than the greater of:

86 a. Twenty-five percent of the total juvenile court personnel budget of the  
87 single county circuit expended for calendar year 1997, excluding fringe benefits;  
88 or

89 b. The sum of the salaries of one chief deputy juvenile officer and one  
90 deputy juvenile officer class I, as provided in section 211.381;

91 (5) Each single county circuit shall file a copy of its initial 1997 and each  
92 succeeding year's budget with the office of [administration] **the state courts**  
93 **administrator** after January first each year and prior to reimbursement. The  
94 office of [administration] **the state courts administrator** shall make payment  
95 for the reimbursement from appropriations made for that purpose on or before  
96 July fifteenth of each year following the calendar year in which the expenses were  
97 made. The office of [administration] **the state courts administrator** shall  
98 submit the information from the budgets relating to full-time juvenile court

99 personnel from each county to the general assembly;

100 (6) Any single county circuit may apply to the office of the state courts  
101 administrator to become subject to subsection 3 of this section, and such  
102 application shall be approved subject to appropriation of funds for that purpose;

103 (7) The state auditor may audit any single county circuit to verify  
104 compliance with the requirements of this section, including an audit of the 1997  
105 budget.

106 3. Juvenile court employees in multicounty circuits shall be subject to the  
107 following provisions:

108 (1) Juvenile court employees including detention personnel hired in 1998  
109 in those multicounty circuits who began actual construction on detention facilities  
110 in 1996, employed in a multicounty circuit on or after July 1, 1999, shall:

111 (a) Be state employees and receive all salary from the state, which shall  
112 include any salary as provided in section 211.381 in addition to any salary  
113 provided by the applicable county or counties during calendar year 1997 and any  
114 general salary increase approved by the state of Missouri for fiscal year 1999 and  
115 fiscal year 2000;

116 (b) Participate in the state retirement plan;

117 (c) Receive creditable prior service in the state retirement plan for service  
118 rendered as a juvenile court employee, to the extent they have not already  
119 received credit for such service in a county retirement plan on salary paid to them  
120 for such service if such service was rendered in a judicial circuit that was not a  
121 single county of the first classification, except that if they forfeited such credit in  
122 such county retirement plan prior to being eligible to receive creditable prior  
123 service under this paragraph, they may receive creditable service under this  
124 paragraph;

125 (d) Receive creditable prior service pursuant to paragraph (c) of this  
126 subdivision even though they already have received credit for such creditable  
127 service in a county retirement plan if they elect within six months from the date  
128 they become participants in the state retirement plan pursuant to this section to  
129 forfeit their service from such plan in which case such plan shall transfer to the  
130 state retirement plan an amount equal to the actuarial accrued liability for the  
131 forfeited creditable service, determined as if the person was going to continue to  
132 be an active member of the county retirement plan, less the amount of any  
133 refunds of member contributions;

134 (e) Receive creditable prior service for service rendered as a juvenile court

135 employee in a position that was financed in whole or in part by a public or private  
136 grant prior to July 1, 1999:

137       a. Pursuant to paragraph (c) of this subdivision, except that if they  
138 already received credit for such creditable service in a county retirement plan,  
139 they may not receive creditable prior service pursuant to paragraph (c) of this  
140 subdivision unless they elect to forfeit their service from such plan, in which case  
141 such plan shall transfer to the state retirement plan an amount equal to the  
142 actuarial liability for the forfeited creditable service, determined as if the person  
143 was going to continue to be an active member of the county retirement plan, less  
144 the amount of any refunds of member contributions;

145       b. Pursuant to subparagraph a. of this paragraph, if they terminated  
146 employment prior to August 28, 2004, and apply to the board of trustees of the  
147 state retirement plan to be made and employed as a special consultant and be  
148 available to give opinions regarding retirement;

149       c. Pursuant to subparagraph a. of this paragraph, if they retired prior to  
150 August 28, 2004, and apply to the board of trustees of the state retirement plan  
151 to be made and employed as a special consultant and be available to give opinions  
152 regarding retirement, in which case they shall have their retirement benefits  
153 adjusted so they receive retirement benefits equal to the amount they would have  
154 received had their retirement benefit been initially calculated to include such  
155 creditable prior service;

156       d. Pursuant to subparagraph a. of this paragraph, if they purchased  
157 creditable prior service pursuant to section 104.344, RSMo, or section 105.691,  
158 RSMo, based on service as a juvenile court employee in a position that was  
159 financed in whole or in part by a public or private grant prior to July 1, 1999, in  
160 which case they shall receive a refund based on the amount paid for such  
161 purchased service;

162       (2) Juvenile court employee positions added after December 31, 1997,  
163 shall be terminated and not subject to the provisions of subdivision (1) of this  
164 subsection, unless the office of the state courts administrator requests and  
165 receives an appropriation specifically for such positions;

166       (3) The salary of any juvenile court employee who becomes a state  
167 employee, effective July 1, 1999, shall be limited to the salary provided by the  
168 state of Missouri, which shall be set in accordance with guidelines established by  
169 the state pursuant to a salary survey conducted by the office of the state courts  
170 administrator, but such salary shall in no event be less than the amount specified

171 in paragraph (a) of subdivision (1) of this subsection. Notwithstanding any  
172 provision to the contrary in subsection 1 of section 211.394, such employees shall  
173 not be entitled to additional compensation paid by a county as a public officer or  
174 employee. Such employees shall be considered employees of the judicial branch  
175 of state government for all purposes;

176 (4) All other employees of a multicounty circuit who are not juvenile court  
177 employees as defined in subsection 1 of this section shall be county employees  
178 subject to the county's own terms and conditions of employment.

179 4. The receipt of creditable prior service as described in paragraph (c) of  
180 subdivision (1) of subsection 2 of this section and paragraph (c) of subdivision (1)  
181 of subsection 3 of this section is contingent upon the office of the state courts  
182 administrator providing the state retirement plan information, in a form subject  
183 to verification and acceptable to the state retirement plan, indicating the dates  
184 of service and amount of monthly salary paid to each juvenile court employee for  
185 such creditable prior service.

186 5. No juvenile court employee employed by any single or multicounty  
187 circuit shall be eligible to participate in the county employees' retirement system  
188 fund pursuant to sections 50.1000 to 50.1200, RSMo.

189 6. Each county in every circuit in which a juvenile court employee  
190 becomes a state employee shall maintain each year in the local juvenile court  
191 budget an amount, defined as "maintenance of effort funding", not less than the  
192 total amount budgeted for all employees of the juvenile court including any  
193 juvenile officer, deputy juvenile officer, or other juvenile court employees in  
194 calendar year 1997, minus the state reimbursements as described in this section  
195 received for the calendar year 1997 personnel costs for the salaries of all such  
196 juvenile court employees who become state employees. The juvenile court shall  
197 provide a proposed budget to the county commission each year. The budget shall  
198 contain a separate section specifying all funds to be expended in the juvenile  
199 court. Such funding may be used for contractual costs for detention services,  
200 guardians ad litem, transportation costs for those circuits without detention  
201 facilities to transport children to and from detention and hearings, short-term  
202 residential services, indebtedness for juvenile facilities, expanding existing  
203 detention facilities or services, continuation of services funded by public grants  
204 or subsidy, and enhancing the court's ability to provide prevention, probation,  
205 counseling and treatment services. The county commission may review such  
206 budget and may appeal the proposed budget to the judicial finance commission

207 pursuant to section 50.640, RSMo.

208           7. Any person who is employed on or after July 1, 1999, in a position  
209 covered by the state retirement plan or the transportation department and  
210 highway patrol retirement system and who has rendered service as a juvenile  
211 court employee in a judicial circuit that was not a single county of the first  
212 classification shall be eligible to receive creditable prior service in such plan or  
213 system as provided in subsections 2 and 3 of this section. For purposes of this  
214 subsection, the provisions of paragraphs (c) and (d) of subdivision (1) of  
215 subsection 2 of this section and paragraphs (c) and (d) of subdivision (1) of  
216 subsection 3 of this section that apply to the state retirement plan shall also  
217 apply to the transportation department and highway patrol retirement system.

218           8. (1) Any juvenile officer who is employed as a state employee in a  
219 multicounty circuit on or after July 1, 1999, shall not be eligible to participate in  
220 the state retirement plan as provided by this section unless such juvenile officer  
221 elects to:

222           (a) Receive retirement benefits from the state retirement plan based on  
223 all years of service as a juvenile officer and a final average salary which shall  
224 include salary paid by the county and the state; and

225           (b) Forfeit any county retirement benefits from any county retirement  
226 plan based on service rendered as a juvenile officer.

227           (2) Upon making the election described in this subsection, the county  
228 retirement plan shall transfer to the state retirement plan an amount equal to  
229 the actuarial accrued liability for the forfeited creditable service determined as  
230 if the person was going to continue to be an active member of the county  
231 retirement plan, less the amount of any refunds of member contributions.

232           9. The elections described in this section shall be made on forms  
233 developed and made available by the state retirement plan.

221.105. 1. The governing body of any county and of any city not within  
2 a county shall fix the amount to be expended for the cost of incarceration of  
3 prisoners confined in jails or medium security institutions. The per diem cost of  
4 incarceration of these prisoners chargeable by the law to the state shall be  
5 determined, subject to the review and approval of the [office of administration]  
6 **department of corrections.**

7           2. When the final determination of any criminal prosecution shall be such  
8 as to render the state liable for costs under existing laws, it shall be the duty of  
9 the sheriff to certify to the clerk of the circuit court or court of common pleas in

10 which the case was determined the total number of days any prisoner who was  
11 a party in such case remained in the county jail. It shall be the duty of the  
12 county commission to supply the cost per diem for county prisons to the clerk of  
13 the circuit court on the first day of each year, and thereafter whenever the  
14 amount may be changed. It shall then be the duty of the clerk of the court in  
15 which the case was determined to include in the bill of cost against the state all  
16 fees which are properly chargeable to the state. In any city not within a county  
17 it shall be the duty of the superintendent of any facility boarding prisoners to  
18 certify to the chief executive officer of such city not within a county the total  
19 number of days any prisoner who was a party in such case remained in such  
20 facility. It shall be the duty of the superintendents of such facilities to supply the  
21 cost per diem to the chief executive officer on the first day of each year, and  
22 thereafter whenever the amount may be changed. It shall be the duty of the chief  
23 executive officer to bill the state all fees for boarding such prisoners which are  
24 properly chargeable to the state. The chief executive may by notification to the  
25 [office of administration] **department of corrections** delegate such  
26 responsibility to another duly sworn official of such city not within a county. The  
27 clerk of the court of any city not within a county shall not include such fees in the  
28 bill of costs chargeable to the state. The [office of administration] **department**  
29 **of corrections** shall revise its criminal cost manual in accordance with this  
30 provision.

31 3. The actual costs chargeable to the state, including those incurred for  
32 a prisoner who is incarcerated in the county jail because the prisoner's parole or  
33 probation has been revoked or because the prisoner has, or allegedly has, violated  
34 any condition of the prisoner's parole or probation, and such parole or probation  
35 is a consequence of a violation of a state statute, or the prisoner is a fugitive from  
36 the Missouri department of corrections or otherwise held at the request of the  
37 Missouri department of corrections regardless of whether or not a warrant has  
38 been issued shall be the actual cost of incarceration not to exceed:

- 39 (1) Until July 1, 1996, seventeen dollars per day per prisoner;  
40 (2) On and after July 1, 1996, twenty dollars per day per prisoner;  
41 (3) On and after July 1, 1997, up to thirty-seven dollars and fifty cents per  
42 day per prisoner, subject to appropriations, but not less than the amount  
43 appropriated in the previous fiscal year.

550.190. The prosecuting attorney shall strictly examine each bill of costs  
2 which shall be delivered to him, as provided in section 550.140, for allowance

3 against the state or county, and shall ascertain as far as possible whether the  
4 services have been rendered for which the charges are made, and whether the  
5 fees charged are expressly given by law for such services, or whether greater  
6 charges are made than the law authorizes. If the fee bill has been made out  
7 according to law, or if not, after correcting all errors therein, he shall report the  
8 same to the judge of the court, either in term or in vacation, and if the same  
9 appears to be formal and correct, the judge and prosecuting attorney shall certify  
10 to the [commissioner of administration] **director of the department of**  
11 **corrections**, or clerk of the county commission, accordingly as the state or  
12 county is liable, the amount of costs due by the state or county on the fee bill, and  
13 deliver the same to the clerk who made it out, to be collected without delay, and  
14 paid over to those entitled to the fees allowed.

550.200. The original fee bill, signed by the judge and prosecuting  
2 attorney, shall be sent by the clerk to the [commissioner of administration]  
3 **director of the department of corrections** or county commission, as the case  
4 may be, and the clerk shall make out, under his hand and seal, a true and  
5 certified copy of the same, which shall be carefully preserved by the clerk in his  
6 office, and shall be prima facie evidence of the facts therein stated.

550.210. When a fee bill shall be certified to the [commissioner of  
2 administration] **director of the department of corrections** for payment, the  
3 certificate of the judge and prosecuting attorney shall contain a statement of the  
4 following facts: That they have strictly examined the bill of costs; that the  
5 defendant was convicted or acquitted, and if convicted, the nature and extent of  
6 punishment assessed, or the cause continued generally, as the case may be; that  
7 the offense charged is a capital one, or punishable solely by imprisonment in the  
8 penitentiary, as the case may be; that the services were rendered for which  
9 charges are made, and that the fees charged are expressly authorized by law, and  
10 that they are properly taxed against the proper party, and that the fees of no  
11 more than three witnesses to prove any one fact are allowed. In cases in which  
12 the defendant is convicted, the judge and prosecuting attorney shall certify, in  
13 addition to the foregoing facts, that the defendant is insolvent, and that no costs  
14 charged in the fee bill, fees for the cost of incarceration, including a reasonable  
15 sum to cover occupancy costs, excepted, were incurred on the part of the  
16 defendant.

550.220. Each and every bill of costs presented to any county commission  
2 for allowance shall be examined and certified to by the judge and prosecuting

3 attorney in the same manner, all necessary charges excepted, as provided for  
4 certifying bills of costs to the [commissioner of administration] **director of the**  
5 **department of corrections** for payment; and any county commissioner who  
6 shall pay, or vote to pay, any costs incurred in any criminal case or proceeding,  
7 unless the same is so certified to, shall be adjudged guilty of a misdemeanor.

550.230. When the clerk shall send a bill of costs to the [commissioner of  
2 administration] **director of the department of corrections** or county  
3 commission, as provided in section 550.200, he shall expressly state in his  
4 certificate that he has not at any previous time certified or sent a copy of the  
5 same bill, or part thereof, for payment; provided, that if the clerk shall, by  
6 oversight or mistake, fail to include any costs properly chargeable against the  
7 state or county in any fee bill, he may make out and present, as herein provided  
8 for making out bills of costs, a supplemental bill for the costs so omitted;  
9 provided, that the clerk shall in no case charge or receive any fee or fees  
10 whatsoever for the issuance of such supplemental fee bill.

550.260. 1. All criminal court cost bills shall be certified for payment as  
2 herein provided, and in addition thereto the circuit clerks of each county shall  
3 make copies of all original criminal court cost bills certified to the [commissioner  
4 of administration] **director of the department of corrections** for payment,  
5 and shall file the same with the treasurers of their respective counties, and the  
6 city of St. Louis, at the time of transmitting the original for payment.

7 2. When criminal court cost bills are certified to the [commissioner of  
8 administration] **director of the department of corrections**, warrants shall  
9 be drawn on the state treasurer as provided by law, provided that the amounts  
10 due to the state contained within such criminal court cost bills may be withheld  
11 by the state before payment is made to the counties. Costs payable to the state  
12 contained in such criminal costs bills shall not be reimbursed to the counties, but  
13 the county shall be reimbursed only for those costs payable to the  
14 county. Payment shall be transmitted to the treasurer of the county from whence  
15 the bill originated, or the city of St. Louis. When any criminal cost bill shall be  
16 certified to the county commission or the comptroller of the city of St. Louis, for  
17 payment, the county clerk, or the comptroller of the city of St. Louis, when the  
18 same is allowed, shall draw a warrant on the county treasurer or city treasurer  
19 in payment thereof, and deliver the same to the county treasurer, or to the  
20 treasurer of the city of St. Louis, together with a list of the names of the various  
21 parties to whom the fees are due, stating the amount due each person.

22           3. The treasurers, on receipt of any such warrants and criminal court cost  
23 bills, shall record the criminal court cost bills in a well-bound book arranged with  
24 appropriate headings, so that the same shall correspond, as near as may be, with  
25 the accounts required to be kept by other officers in section 50.470, RSMo.

          [37.200. The general assembly, giving due consideration to  
2           the historical and continuing interest of the people of the state of  
3           Missouri in encouraging the educational and cultural enrichment  
4           of its residents, finds that public television stations, especially with  
5           local programming, contribute significantly to such enrichment, are  
6           a valuable state resource, and consequently that support of public  
7           television is an important public purpose.]

          [37.205. As used in sections 37.200 to 37.230, the term  
2           "public television station" means a television broadcasting station  
3           operating as of January 1, 1980, under authority of section 73.621  
4           of the Federal Communications Commission rules and regulations  
5           as a noncommercial educational or public television station, owned  
6           and operated by a political subdivision of this state, an educational  
7           institution of this state, or by a not-for-profit corporation, accepting  
8           or broadcasting no commercial messages, and receiving all or part  
9           of its operating revenues from public funds, federal funds,  
10          donations or grants, or public subscriptions.]

          [37.210. The general assembly may appropriate funds to the  
2           commissioner of administration for use as grants to public  
3           television stations. Such grants shall be distributed to each of the  
4           public television stations in this state after receipt of the station's  
5           certification of operating and programming expenses for the prior  
6           fiscal year. Certification shall consist of the most recent fiscal year  
7           financial statement submitted by a station to the corporation for  
8           public broadcasting. At least twenty percent of the state funds  
9           received under sections 37.200 to 37.230 by any public television  
10          station shall be used for instructional television services to be  
11          provided through local agreements. A substantial portion of the  
12          state funds received under this or any other act by any public  
13          television station shall be used for local programming related to the  
14          needs and problems of the community served by the broadcast  
15          licensee. The grants shall be divided into two categories, an

16 annual basic service grant and an operating grant. The basic  
17 service grant shall be equal to thirty-five percent of the total  
18 amount appropriated and shall be divided equally among the public  
19 television stations receiving grants. The remaining amount of the  
20 appropriation shall be distributed as an operating grant to the  
21 stations on the basis of the proportion that the total operating  
22 expenses of the individual station in the prior fiscal year bears to  
23 the aggregate total of operating expenses for the same fiscal year  
24 for all Missouri public television stations receiving state  
25 grants. State funds received by a public television station under  
26 sections 37.200 to 37.230 and not expended shall be returned to the  
27 state of Missouri.]

[37.215. The amount of any state funding provided by  
2 sections 37.200 to 37.230 shall not exceed thirty percent of the  
3 operating expenditures for the previous year of the public television  
4 station receiving said grant.]

[37.220. Eligible public television stations desiring to  
2 receive grants under the provisions of section 37.200 to 37.230  
3 shall make an annual application to the commissioner of  
4 administration and submit a certification of its actual operating  
5 and programming expenses for the previous fiscal year.]

[37.225. Each public television station receiving grants  
2 under the provisions of sections 37.200 to 37.230 shall furnish the  
3 commissioner of administration and the oversight division of the  
4 committee on legislative research within sixty days after the end  
5 of each fiscal year with an annual report and accounting of the  
6 funds received and expended by such stations during the just ended  
7 fiscal year and may furnish recommendations and suggestions for  
8 improvement in programs and services under the provisions of  
9 sections 37.200 to 37.230.]

[37.230. The amount appropriated as grants under the  
2 provisions of section 37.200 to 37.230 shall not be more than the  
3 sum of fifty cents multiplied by the total number of residents of the  
4 state as determined by the most recent federal decennial census.]

Section B. Because immediate action is necessary to ensure the effective  
2 transfer of state services, section A of this act is deemed necessary for the

3 immediate preservation of the public health, welfare, peace and safety, and is  
4 hereby declared to be an emergency act within the meaning of the constitution,  
5 and section A of this act shall be in full force and effect on July 1, 2006, or upon  
6 its passage and approval, whichever later occurs.

✓

Unofficial

Bill

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